

REMARKS

It is submitted that this amendment meets the requirements of 37 CFR 1.116(b) for entry of amendments after final rejection, since it simply complies with the Examiner's recommendations regarding rewrites allowable claims to include the limitations of the base claim and any intervening claim, and cancels finally rejected claims or amends them to depend from an allowed or allowable claim. Entry of this amendment is therefore respectfully requested.

In the current Office Action, the Examiner has indicated that claims 9, 10, 25, 26, 42, and 43 would be allowable if rewritten to overcome the rejection under 35 USC 112, first paragraph, and to include the limitations of the base claim and any intervening claim.

In the foregoing amendment, rejected claim 1 has been canceled, and the subject matter without the alleged new matter of this claim is now incorporated in amended independent claim 9. Rejected claim 18 has been canceled, and the subject matter without the alleged new matter of this claim is now incorporated in amended independent claim 25. Rejected claim 34 has been canceled, and the subject matter without the alleged new matter of this claim is now incorporated in amended independent claim 42. It is believed that this amendment deals with the Examiner's rejection under 35 U.S.C. 112, and that claims 9, 10, 25, 26, 42, and 43 should now be in order for allowance as stated by the Examiner on page 3 of the Office Action, as should original claim 10 which depends from claim 7, original claim 26 which depends from claim 25, and original claim 43 which depends from claim 42.

Claims 2-6, 8, 11-12, and 14-17 have all been amended to depend from allowable claim 9. Claim 13 has been amended to depend from claim 12, which further depends from allowable claim 9. Claim 19-24 and 27-33 have all been amended to depend from allowable claim 18. Claim 35-39, 41, and 44-50 have all been amended to depend from allowable claim 42. Therefore, all these claims should also now be in order for allowance. Rejected claims 7 and 40 are canceled since their subject matter have appeared in claim 9 and 42, respectively.

Additionally, claims 11 and 27 have been amended to provide antecedent basis for the limitations in these claims. Specifically, the wording in claim 11 has been amended to change

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“reaction zone” to “contacting step is performed” and wording in claim 27 has been amended to change “reaction zone” to “combining step is performed.”

Furthermore, claim 45 has been amended by eliminating the limitation “the pressure is approximately ambient” and the claim 45 has been amended by eliminating the negative limitation “wherein the oxidizing conditions are provided by an oxidant other than gaseous oxygen.”

SUMMARY

It is believed that the foregoing amendment and argument deals with all grounds of objection and rejection, and that all of the claims remaining in this application are in order for allowance.

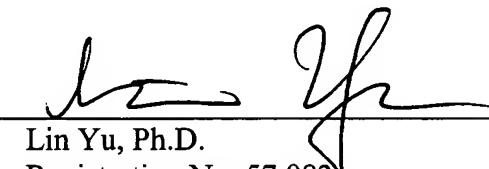
Should the Examiner elect to maintain one or more of her grounds of final rejection or objection, she is respectfully requested to enter the amendments herein as placing the case in better form for appeal.

Should the Examiner believe that prosecution of this application might be expedited by further discussion of the issues. She is cordially invited to telephone the undersigned representative for the applicant at (619) 696-6700 or at lyu@gordonrees.com.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 50-1990 and please credit any excess fees to such deposit account.

Respectfully submitted,

Dated: December 9, 2005

By: 
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Attorney Docket No. SDSM-1036050